

SENATE BILL 744

C3

11r1629

By: **Senators Pugh and Montgomery**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage for Telemedicine Services**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations to provide coverage for certain telemedicine
5 services in a certain manner; prohibiting certain insurers, nonprofit health
6 service plans, and health maintenance organizations from excluding from
7 coverage a certain telemedicine service for certain reasons; requiring certain
8 insurers, nonprofit health service plans, and health maintenance organizations
9 to reimburse health care providers for a telemedicine service in a certain
10 manner; prohibiting certain insurers, nonprofit health service plans, and health
11 maintenance organizations from requiring a certain deductible, copayment,
12 coinsurance amount, annual dollar maximum, or lifetime dollar maximum;
13 authorizing certain insurers, nonprofit health service plans, and health
14 maintenance organizations to undertake utilization review to determine the
15 appropriateness of a telemedicine service under certain circumstances;
16 providing that a certain decision constitutes a certain adverse decision under
17 certain circumstances; making certain provisions of this Act applicable to
18 health maintenance organizations; defining a certain term; providing for the
19 application of this Act; and generally relating to health insurance and
20 telemedicine services.

21 BY adding to

22 Article – Insurance

23 Section 15–138

24 Annotated Code of Maryland

25 (2006 Replacement Volume and 2010 Supplement)

26 BY adding to

27 Article – Health – General

28 Section 19–706(kkkk)

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Insurance**

5 **15–138.**

6 (A) (1) IN THIS SECTION, “TELEMEDICINE SERVICE” MEANS THE USE
7 OF INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS
8 TECHNOLOGY BY A LICENSED HEALTH CARE PROVIDER TO DELIVER A HEALTH
9 CARE SERVICE WITHIN THE SCOPE OF PRACTICE OF THE HEALTH CARE
10 PROVIDER AT A SITE OTHER THAN THE SITE AT WHICH THE PATIENT IS
11 LOCATED.

12 (2) “TELEMEDICINE SERVICE” DOES NOT INCLUDE:

13 (I) AN AUDIO–ONLY TELEPHONE CONVERSATION BETWEEN
14 A HEALTH CARE PROVIDER AND A PATIENT;

15 (II) AN ELECTRONIC MAIL MESSAGE BETWEEN A HEALTH
16 CARE PROVIDER AND A PATIENT; OR

17 (III) A FACSIMILE TRANSMISSION BETWEEN A HEALTH CARE
18 PROVIDER AND A PATIENT.

19 (B) THIS SECTION APPLIES TO:

20 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
21 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR
22 GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE
23 POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

24 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
25 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS
26 UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

27 (C) AN ENTITY SUBJECT TO THIS SECTION:

28 (1) SHALL PROVIDE COVERAGE FOR A TELEMEDICINE SERVICE IN
29 THE SAME MANNER THAT THE ENTITY WOULD PROVIDE COVERAGE FOR A
30 HEALTH CARE SERVICE THAT IS NOT A TELEMEDICINE SERVICE; AND

